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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Consistent with the Court's January 7, 2019 order, counsel for Defendants hereby inform the Court that Defendants have filed a "Notice Regarding Lapse in Appropriations" in *East Bay Sanctuary Covenant v. Donald Trump*, No. 18-17274 (9th Cir.), and in *East Bay Sanctuary Covenant v. Donald Trump*, No. 18-17436 (9th Cir.). These one-paragraph filings are attached to this filing. Those Ninth Circuit appeals remain held in abeyance and no briefing schedule has yet issued. Defendants will inform this Court once the Ninth Circuit lifts its abeyance in the *East Bay* cases.

In light of the Court's January 28, 2019 order, Defendants will confer with Plaintiffs concerning a schedule for further proceedings by February 1, 2019. However, consistent with this Court's directive during the January 7, 2019 proceedings, counsel for Defendants continue not to work on any response to Plaintiffs' filings submitted January 4.

Respectfully submitted,

By: /s/ Erez Reuveni
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Tel: (202) 307-4293
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Dated: January 28, 2018

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: */s/ Erez Reuveni*
EREZ REUVENI
Assistant Director
United States Department of Justice
Civil Division

No. 18-17274

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

EAST BAY SANCTUARY COVENANT, et al.
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, President of the United States, et al.
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOTICE REGARDING LAPSE IN APPROPRIATIONS

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Defendants hereby notify the Court that the lapse of funding for the Department of Justice has ended. As Defendants indicated in their motion to hold the case in abeyance, Dkt. No. 13, Defendants will move to consolidate this appeal and *East Bay Sanctuary Covenant v. Donald Trump*, No. 18-17436 (9th Cir.). Defendants will confer with Plaintiffs concerning that motion and a briefing schedule for the consolidated appeals, and inform the Court in due course.

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General
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Email: Erez.R.Reuveni@usdoj.gov

Dated: January 28, 2019

Attorneys for Defendants-Appellants

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2019, I electronically filed the foregoing document with the Clerk of the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ Erez Reuveni
EREZ REUVENI
Assistant Director
United States Department of Justice
Civil Division

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing notice complies with the type-volume limitation of Fed. R. App. P. 27 because it contains 70 words. This motion complies with the typeface and the type style requirements of Fed. R. App. P. 27 because this brief has been prepared in a proportionally spaced typeface using Word 14-point Times New Roman typeface.

No. 18-17436

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

EAST BAY SANCTUARY COVENANT, et al.
Plaintiffs-Appellees,

v.

DONALD J. TRUMP, President of the United States, et al.
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOTICE REGARDING LAPSE IN APPROPRIATIONS

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Defendants hereby notify the Court that the lapse of funding for the Department of Justice has ended. As Defendants indicated in their motion to hold the case in abeyance, Dkt. No. 2, Defendants will move to consolidate of this appeal and *East Bay Sanctuary Covenant v. Donald Trump*, No. 18-17274 (9th Cir.). Defendants will confer with Plaintiffs concerning that motion and a briefing schedule for the consolidated appeals, and inform the Court in due course.

Respectfully submitted,

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Dated: January 28, 2019

Attorneys for Defendants-Appellants

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